

How to Get the Most Out of Mediation

10/15/11

You are scheduled for mediation in your Family Matters case. You will meet with a trained, neutral mediator in an attempt to resolve your case before trial.

To get the most out of your mediation session, come ready to make decisions about your future. Be prepared to try to reach agreements and settle your case. Mediation is a chance for you to make joint decisions about your family instead of having the Judge or Magistrate make decisions for you.

To ensure your timely arrival for your scheduled mediation session, please allow time for parking and to locate the mediation conference room. Try to arrive at the courthouse 15 minutes before your scheduled mediation session.

If you are unable to attend the mediation session, please contact the Clerk's office as soon as possible. The Clerk will provide you with instructions to submit a written request for a continuance. The Judge or Magistrate will decide whether mediation can be postponed.

If you owe a mediation fee, please pay the fee ordered by the Judge or Magistrate. If it is not possible for you to pay the fee, see the Clerk for instructions.

If mediation results in agreement, you will need to appear before a Judge or Magistrate before the agreement becomes a final judgment or order.

At Mediation

Come with an open mind to listen and talk about what's best for your children, yourself and the other party.

Mediation is meant to be a safe environment for everyone. Mediation involves a respectful discussion about the topics that need to be covered.

Usually, the parties (and attorneys) sit at a table with the mediator. You can also ask to meet with the mediator separately. Tell the mediator if you have a Protection from Abuse order, have been abused by, or are afraid of, the other party.

Decisions about Minor Children

If you have a child or children under the age of 18, you and the other parent have important decisions to make. At mediation, you will talk about:

- How will parental rights and responsibilities for the children be shared or divided between you and the other parent? How will you make major decisions about medical treatment, education and religion? Who will have access to their records?
- Where will the children live? Where will the children go to school?
- What schedule will work best for the children? When will the children spend time with each parent (if appropriate)? How will you and the other parent transport your children back and forth between you and to and from school?
- What holidays, special occasions, and vacations are meaningful for you, your children, and their other parent?
- How will you and the other parent support the children? Will child support be paid? If so, what amount do the Child Support Guidelines specify?
- How will you and the other parent pay for the children's health insurance and medical expenses that are not covered by insurance? Will these costs be divided between both parents? If so, in what amounts or percentages?
- What childcare is needed, and how will you and the other parent pay for it?
- How will you and the other parent handle tax exemptions for the children on your income tax forms?

If there are any other special issues about your children that need to be decided, tell the mediator.

More Decisions in Divorce Cases

If your case is a divorce, you have other important decisions to make, including:

- If you own a home or other real estate, what will happen with that property?
- How will you divide up bank accounts, property, pensions and other resources? How will you divide up debts and bills?
- Will one of you pay support to the other spouse? If so, how much? Spousal support often depends on the length of time you were married and how much each person earns.
- Do you want to change your name?

Mediation will be more effective if you bring all of the information you need.

What to Bring to Mediation

If you have an attorney, prepare for mediation by talking with him or her **before** the day of mediation. Prepare for mediation by gathering information about your children's needs and your finances.

If you have minor children:

At mediation, you and the other parent will discuss how to support your children, how to divide parenting duties, and how to create the schedule that works best for your children. Bring with you:

- ☐ A school calendar.
- ☐ A **Child Support Affidavit**, if you have not already filed it with the court. If one parent was already ordered to pay child support but has not paid all that is due, find out how much is owed.
- ☐ Documents that show how much you pay for health insurance for your child/children, if you pay for their health insurance. Be sure to find out how much of the amount you pay for insurance is just for the children (not for yourself or another adult).
- ☐ Documents that show how much you pay for daycare.
- ☐ Proof of your current income (pay stub, W-2 form, past three years of separate or joint income tax returns) and/or other support you receive (such as disability, social security and worker's compensation).

If you are getting divorced:

At mediation, you will discuss how to divide your marital property and debts. You may discuss whether one of you should help to support the other even after the marriage ends. You will need financial records and other documents. Check the list below and bring the information that applies to you:

- ☐ Banking and other accounts
 - Checking and savings accounts
 - IRAs, retirement and pension plans, annuities or trusts
 - Life insurance and any cash value
 - Stocks and securities
- ☐ Monthly bills
 - Rent or mortgage payment and property tax
 - Heat, water, electricity, cable/dish TV, phone and cell phone
 - Food and clothing
 - Car payments and car expenses (gas, repairs, car insurance)
 - Health insurance

What to Bring to Mediation – If you are getting a divorce, cont.

- ☐ Debts
 - Credit card balances
 - Car/vehicle loans and personal loans
 - Medical bills
 - Taxes – federal and state income tax, property tax, or other taxes, including any back taxes owed
 - Life insurance or retirement plan loans
 - Any other debt owed by one or both spouses

- ☐ Real estate
 - List of marital home and any other real estate owned by either spouse (such as land, time shares, rental homes, vacation homes, camps, business property, etc.) and the fair market value of each property
 - Mortgage statements and balances of any mortgages
 - Deeds (with book and page numbers from Registry)
 - Tax assessments or appraisals

- ☐ Personal property
 - List of household furnishings in marital home and their value
 - Year, make and value of all vehicles, including cars, trucks, ATVs, snowmobiles, boats, RVs and campers
 - Value of collectibles, special equipment, machinery, tools, jewelry, guns, etc.

- ☐ Other assets
 - Name and value of any business interest, including home or side businesses, and cash drawn from it annually
 - Any college or other degree or professional license earned during the marriage
 - List and value of cash, coins, stamps, etc.

- ☐ A **Financial Statement**, using the information you have gathered, if you have not already filed it with the court.

- ☐ A list of personal property that you would like to keep and property that your spouse would like to keep.

You can get the **Child Support Affidavit** and **Financial Statement** forms from the Clerk's office.